

TO: Board Members

THROUGH: Kevin Patteson, Executive Administrator
Les Trobman, General Counsel
Jeff Walker, Deputy Executive Administrator, Water Supply & Infrastructure

FROM: Temple McKinnon, Manager, Regional Water Planning

DATE: June 1, 2015

SUBJECT: Briefing on the requirement to review and update designations of regional water planning area boundaries.

ACTION REQUESTED

No action is required. This is an informational and discussion item presenting an overview of the requirement that the Board review and update regional water planning area boundaries at least every five years in accordance with Texas Water Code §16.053(b) and 31 TAC §357.11(a) and (b).

BACKGROUND

Texas Water Code §16.053(b) directs the Texas Water Development Board (TWDB) to designate the areas for which regional water plans shall be developed and to review the designations as necessary, but at least every five years. This review was last performed at the October 14, 2010 Board meeting wherein the originally established boundaries were readopted without change.

In designating these boundaries, the Board is to take into consideration such factors as:

- river basin and aquifer delineations,
- water utility development patterns,
- socioeconomic characteristics,
- existing regional water planning areas,
- political subdivision boundaries,
- public comment, and
- other factors the Board deems relevant.

The process by which the TWDB reviews and updates the boundary designations is outlined in 31 TAC §357.11(a) and (b). The Board members may either initiate the review process

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themselves, giving direction to the Executive Administrator as to what the review process and associated timeline would be, or the Board may consider a recommendation from the Executive Administrator prior to the five-year deadline. Opportunities to receive stakeholder comment on the topic may include holding a public meeting(s) and posting notice of a public comment period in the *Texas Register*.

KEY ISSUES

1. At the conclusion of the public input process, if the Board chooses to consider specific revisions, the Board is required to provide notice of its intent to amend the designations of regional water planning areas 30 days before making any change by publishing notice of the proposed change in the *Texas Register* and by mailing notice to various entities as required by rule.
2. After the notice period, the Board shall hold a public hearing at a location to be determined by the TWDB before making any changes to the designation of a regional water planning area, and may thereafter take actions to change the regional water planning area.

RECOMMENDATION

No action is needed. This item is for discussion only. This recommendation has been reviewed by legal counsel and complies with applicable statutes and TWDB rules.

Les Trobman, General Counsel